

REMARKS

I. INTRODUCTION

In response to the Office Action dated July 28, 2008, claims 30, 40, 51 and 62 have been amended and claims 48, 59, 70 and 72-76 have been canceled. Claims 30-47, 50-58, 60-69, and 71 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. The Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for clarifying the language of the claims and facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

III. STATUS OF CLAIMS

Claims 30-76 were pending in the application. Claims 30, 40 and 51 have been amended and claims 48, 59, 70 and 72-76 have been canceled. Claims 30-47, 50-58, 60-69, and 71 remain in the application.

Claims 30-32, 34, 37, 40-42, 47, 48, 51-53, 55, 58, 59 and 73-75 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Publication No. 2006/0253869 to Boyer and U.S. Patent No. 5,936,625 and U.S. Patent No. 5,936,625 to Kahl.

Claims 36, 46 and 57 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Publication No. 2006/0253869 to Boyer, U.S. Patent No. 5,936,625 to Kahl and U.S. Patent No. 4,216,596 to Brown.

Claims 38, 39, 49, 50, 60 and 61 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Publication No. 2006/0253869 to Boyer, U.S. Patent No. 5,936,625 to Kahl and U.S. Patent No. 6,192,346 to Green.

Claims 33, 35, 43, 45, 54, 56, 62-67, 69, 70 and 76 were rejected under 35 U.S.C. §103(a) as

being obvious in view of U.S. Publication No. 2006/0253869 to Boyer, U.S. Patent No. 5,936,625 to Kahl and U.S. Publication No. 2004/0216160 to Lemmons, and these rejections are being appealed.

Claims 68 is rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Publication No. 2006/0253869 to Boyer, U.S. Patent No. 5,936,625 to Kahl, U.S. Publication No. 2004/0216160 to Lemmons and U.S. Patent No. 4,216,596 to Brown.

Claims 71 and 72 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Publication No. 2006/0253869 to Boyer, U.S. Patent No. 5,936,625 to Kahl, U.S. Publication No. 2004/0216160 to Lemmons, and U.S. Patent 6,192,346 to Green.

Reconsideration of the above rejections is requested.

IV. ARGUMENT

A. The References

1. The Boyer Reference

U.S. Publication No. 2006/0253869, issued November 9, 2006 to Boyer et al. discloses an internet television program guide system. An Internet television program guide system is provided that allows a user at a multimedia system to access information related to television programs over an Internet communications link. The user can view television program guide listings and related video stills and video clips. The user can perform database searches on the program guide listings (e.g., to search for a particular type of television program). If desired, the user can select an option that directs the multimedia system to tune directly to a television channel for a selected program or to a related television program guide or movie guide service on a television channel. The user can order pay-per-view events using the system.

2. The Kahl Reference

U.S. Patent No. 5,936,625 discloses a method of providing a monthly calendar view in a computer system uses either textual information or vertically stacked busy bars. If the textual information is utilized, the textual information includes a start time and a brief description of the event. The textual information is interactive allowing quick and easy additions or editing. If the vertically stacked busy bars are utilized, the bars may each represent a predetermined time frame. The presence of a bar indicates an event is scheduled during that time frame. Whichever method is utilized, an enlarged full text description of the event is directly selectable by placing an icon over the event and selecting the event.

3. The Lemmons Reference

U.S. Publication No. 2004/0216160 issued October 28, 2004 to Lemmons et al. discloses an interactive program guide systems and processes. Interactive program guide systems and related processes are provided which can automatically tune a television, or program a VCR, based on program selections made from program schedule information displayed on a television or other suitable video monitor. The interactive program guide is preferably implemented using a microprocessor-controlled set-top box that is coupled to the viewer's television set. The set-top box receives program schedule information and software from a headend telecasting center. Preferably, program schedule information for the current day and at least six subsequent days is stored in a memory within the set-top box. The interactive program guide provides a display mode for allowing the viewer to apply a restrictive search selection criterion and a nonrestrictive sort attribute to the program schedule information.

4. The Brown Reference

U.S. Patent No. 4,216,596, issued August 12, 1980 to Brown discloses a perpetual calendar. The specification discloses a perpetual monthly calendar in which numbered belts are adjustable to bring the numbers of a year to a year window, a month belt is adjustable to bring the month (with the number of days therein) to a month window, a day belt having six horizontal rows of numbers adjustable to bring the appropriate monthly calendar to a day window with the first of the month under the day of the week on which the month of a row of the days of the week is above the day window and exposing consecutive day numbers of that month in the day window. A sixth row pointer is adjustably positioned just beyond the last day of the month exposed when next day is in the sixth row. A fifth row pointer is adjustably positioned beyond the last day of the month exposed when the next day is in the fifth row.

5. The Green Reference

U.S. Patent No. 6,192,346 discloses a vacations and holidays scheduling method. The system includes a variety of objects to assist a business in controlling and managing the scheduling of vacations by their employees and for assisting the employees in bidding on vacation days and holidays based upon employee seniority.

B. Argument

1. Claims 30-32, 34, 37, 40-42, 47, 48, 51-53, 55, 58, 59 and 73-75 are Patentable Over Boyer and Kahl Under 35 U.S.C. §103(a)

With Respect to Claim 30: Claim 30 recites:

An electronic program guide for providing information regarding a plurality of broadcast media programs comprising:

a listing of media program representations that represent a first subset of the plurality of media programs, the first subset of media programs being obtained by a search of the plurality of broadcast media programs; and

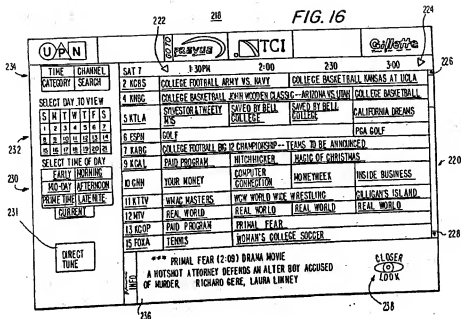
a calendar image displayed separate from and with the listing of media program representations, the calendar image including a plurality of dates and a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates, thereby providing an indication of the dates on which only the first subset of media programs will be broadcast;

wherein the calendar image includes a selection indicator, the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image.

According to the Office Action, Boyer discloses all of the foregoing features, but does not disclose the “plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates, thereby providing an indication of the dates on which the first subset of media programs will be broadcast.” The Applicants respectfully traverse.

Claim 30 has been amended to recite that the first subset of the media programs was obtained by a search of the plurality of broadcast media programs, and that the program indicators provide an indication of the dates on which only the first subset of media programs will be broadcast (i.e. not all of the plurality of broadcast media programs).

The Office Action refers to FIG. 16 of the Boyer reference:



The foregoing merely discloses placing a calendar image adjacent a program listing, and allowing the user to navigate (see paragraph [0105]). Hence, Boyer teaches using the calendar for navigation purposes only. It does not teach using a calendar to provide an overview of the result of a program search, nor does it provide any information about a search.

Kahl is likewise deficient. Kahl discloses a computer-based calendaring tool in which "busy bars" indicate periods of time for "events." Kahl likewise does not use a calendar to show the results of a search at all, let alone a search of broadcast media programs.

The Applicants also respectfully disagree that it is appropriate to combine the Boyer and Kahl references. The Office Action states:

"The particular use of a known technique to improve similar devices in the same way is considered to be obvious to one having ordinary skill in the art. Therefore, it would have been obvious to modify Boyer's "Time of Day" selectors in accordance with the teachings of Kahl to be "busy bar" program indicators overlaid on the calendar dates to provide an indication of a program scheduled for a specific time period for the purpose of providing program information on the calendar, thus allowing the user to select a day and a time more easily."

The problem is that the Kahl and Boyer devices are not "similar." One is tool for keeping track of one's personal or professional appointments that is presumably implemented on a personal computer and navigated with a mouse or other pointing device. Another is for presenting information regarding broadcast programs (something that is determined by the broadcaster, not the

user, is presumably presented on a TV screen (which typically have much lower resolution than a computer screen), and navigated using buttons.

The differences are significant. It is inappropriate to presume that presenting and navigating information on a television screen is analogous to doing the same on a computer device. Computer interfaces can be more easily navigated via a mouse and pointer, and typically offer much higher resolution than available on television screens.

The Office Action argues that it would be obvious to modify Boyer's time of day selectors in accordance with the teachings of Kahl for the purpose of providing program information on the calendar, thus allowing the user to select a time and day more easily.

But Boyer already permits the user to select day using the calendar and a time of day can be selected using the "Select Time of Day" interface. No more is needed to quickly navigate to the desired day and time. The Office Action's "purpose" in modifying Boyer (providing program information *on* the calendar) essentially uses the Applicant's disclosure against him. If Boyer's user is interested in obtaining program information, the user would simply use the calendar to navigate to the appropriate matrix program guide. The utility of claim 30 relates to the fact that what is presented on the calendar is the result of a search, and that is not even remotely suggested by either Boyer or Kahl.

It is noted that in the rejection of claims 73-75, which indicate that the subset of media programs was identified according to a search, the Office Action argues that this is disclosed in FIG. 21. However, all FIG. 21 shows is a search capability. The notion of using the calendar image to display results is not disclosed.

Accordingly, the Applicants respectfully traverse the rejection of claim 30.

Claims 40, 51 and 62 recite similar features and are patentable for the same reasons.

2. Claims 36, 46 and 57 are Patentable Over Boyer, Kahl and Brown Under 35 U.S.C. §103(a)

Claims 36, 46 and 57 recite the features of the independent claims they depend upon and are patentable for the same reasons.

3. Claims 38, 39, 49, 50, 60 are Patentable over Boyer, Kahl and Green Under 35 U.S.C. §103(a)

Claims 38, 39, 49, 50 and 60 recite the features of the independent claims they depend upon and are patentable for the same reasons.

4. Claim 68 is Patentable Over Boyer, Kahl, Lemmons and Brown Under 35 U.S.C. § 103(a)

Claim 68 recites the features of the independent claim it depend upon and is patentable for the same reasons.

5. Claims 71 and 72 are Patentable Over Boyer, Kahl, Lemmons and Brown Under 35 U.S.C. § 103(a)

Claim 71 recites the features of the independent claim it depends upon and is patentable for the same reasons.

V. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

Date: October 28, 2008

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